THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19752 OF 2005

Dated 8th September 2005

Between:

K.Venkateswarlu, S/o.Ramaiah,

Conductor, E.No.104988, R/o.Noor Colony,

Brahmanapalli, Wyra Mandal, Khammam District.

…Petitioner

And

The Regional Manager, APSRTC,

Khammam Region, Khammam & 2 others.

…Respondents

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19752 OF 2005

ORDER:

The petitioner is employed as a Conductor in APSRTC. He was issued a charge sheet, dated 2.11.2004, alleging that tickets worth Rs.17,958/- were not accounted for by him, and he was required to show cause, as to why the value of the tickets, be not recovered from him. The petitioner submitted his explanation, dated 17.11.2004.

Thereafter, the third respondent issued a show-cause notice, dated 17-3-2005. Petitioner also submitted his explanation, dated 29.3.2005 to it. On the ground that the charges framed against the petitioner were proved, the third respondent passed an order dated 8.4.2005, directing for recovery of a sum of Rs.17,658/- towards the cost of missing tickets, and Rs.20/- towards printing charges, from the salary of the petitioner in 24 instalments. Petitioner challenges the same.

Learned counsel for the petitioner, submits that it was not even the allegation of the Corporation that the petitioner had misused the tickets referred to in the notice, and the Service Rules clearly provide for recovery of printing and stationery charges alone, where any loss of tickets is found from a Conductor. He also placed reliance upon the judgment of this Court in ***CH.P.REDDY v. APSRTC, HYDERABAD.***

Learned Standing Counsel for the Corporation, on the other hand, submits that on account of the loss of ticket blocks in the hands of the petitioner, the Corporation had sustained huge loss, and it is not known as to whether the lost tickets have been used in any bus service.

The only allegation against the petitioner was that the tickets worth Rs.17,958/- were lost in his hands. It was not alleged that he misused them, or that the tickets have been put to use in other service. The Operation Manual, as well as the Office Audit Manual of the Corporation, indicates that in the event of loss of tickets, the value thereof, need not be recovered from the Conductors, and at the most, the printing and stationery charges can be recovered. In ***CH.P.REDDY's*** case (supra)**,** this Court dealt with an identical situation, and after taking into account the various provisions having a bearing on the matter, it was held that it is only the printing and stationery charges that can be recovered, in the event of loss of tickets, not followed by any further allegation of misuse.

Following the same, the writ petition is allowed, and the impugned order is set aside. It is, however, left open to the respondents to recover the printing and stationery charges from the petitioner, for the tickets that were lost in his hands. Further, the respondents shall be entitled to recover a sum of Rs.500/- (five hundred only) from

the petitioner, towards penalty, for being negligent in handling the tickets. This, however, shall not be treated, as a basis to withhold any service benefits, nor shall it have any effect on the emoluments and terminal benefits. There shall be no order as to costs.

_____

8th September 2005

PAN